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1 DANIEL E. LUNGREN, Attorney General
of the State of California
2 RICHARD AVILA,
Deputy Attorney General
3 CALIFORNIA DEPARTMENT OF JUSTICE
300 South Spring Street, #5212-North
4 Los Angeles, California 90013
Telephone: (213) 897-6804

5 Attorneys for Complainant
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8 BEFORE THE
MEDICAL BOARD OF CALIFORNIA
9 DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA
10

11 In the Matter of the Accusation) No. D-5090 and P-148
Against:)
12) OAH No. L-59025
CARLA HELEN TORRES,)
13)
Physician and Surgeon)
14 Certificiate No. A-41438)
Respondent.)
15)
16

DEFAULT DECISION

17 FINDINGS OF FACT

18 1. Respondent, Dr. Carla Helen Torres, M.D., has been
19 charged with violations of the Business and Professions Code
20 (hereinafter "Code") as it relates to the exercise of Physician
21 and Surgeon Certificate Number A-41438 which is subject to
22 adverse disciplinary action by virtue of the filing of Accusation
23 Number D-5090, as supplemented.

24 2. The Accusation, Statement to Respondent, Request
25 for Discovery, Notice of Defense form, and photostatic copies of
26 Government Code sections 11507.5, 11507.6 and 11507.7 were served
27 on respondent by certified mail directed to her attorney of

1 record on January 28, 1993, in accordance with Government Code
2 section 11505, subdivision (c).

3 3. A Supplemental Accusation, Supplemental Statement
4 to Respondent, Request for Discovery, and photostatic copies of
5 Government Code sections 11507.5, 11507.6 and 11507.7 were served
6 on respondent by certified mail directed to her attorney of
7 record on March 12, 1993.

8 4. On December 18, 1992, a Notice to Licensee and
9 Petition to Compel Psychiatric Examination in Case Number P-148
10 was personally served on respondent. Respondent, through her
11 counsel, presented a written response to the Petition on or about
12 December 23, 1992.

13 5. On December 18, 1992, an interim suspension order
14 was entered against respondent's certificate pursuant to
15 Government Code section 11529 pending a further hearing on the
16 application for interim suspension. The hearing date was set for
17 January 7, 1993. On the same date, respondent was personally
18 served with notice of the hearing scheduled for January 7, 1993.

19 6. On January 7, 1993, respondent, who was present
20 with counsel at the hearing on the interim suspension
21 application, did not contest the interim suspension. Through
22 mutual agreement of the parties, the ex parte suspension order
23 was continued to February 17, 1993 so that respondent could be
24 examined by a psychiatrist appointed by the Board.

25 7. On January 9, 1993, the Board issued an Order
26 Compelling Psychiatric Examination in Case Number P-148 pursuant
27 to Business and Professions Code section 820, and on January 13,

1 1993, served respondent with a copy thereof by certified mail
2 directed to her last known address, as well as to the address of
3 her counsel.

4 8. On February 11, 1993, a written report regarding
5 the status of respondent's mental health was forwarded to the
6 Board. The report indicated a diagnosis of bi-polar disorder
7 [DSM-III 296.6] and a prognosis of "guarded to poor."

8 9. On February 17, 1993, the interim suspension order
9 was extended to March 17, 1993, pending a settlement conference.
10 This order was again extended to allow the parties an opportunity
11 to complete a stipulation for settlement.

12 10. By April 15, 1993, counsel for the parties agreed
13 to and signed a proposed stipulation for settlement. This
14 proposed settlement was transmitted to the Board on April 18,
15 1993.

16 11. On August 9, 1993, the Division rejected the
17 proposed stipulation for settlement.

18 12. On August 23, 1993, the Board was informed that
19 respondent had been arrested and charged with felony battery.
20 The status of the criminal case remained unknown until February
21 1995. [Respondent's whereabouts remained unknown from the date of
22 the arrest until the present date.]

23 13. On May 13, 1995, the Board was informed that
24 respondent had been arrested and charged with another incident of
25 felony battery.

26 14. On June 8, 1995, the Board was informed that the
27 criminal court had issued a bench warrant for respondent's arrest

1 based on her failure to appear in court.

2 15. On July 25, 1995, the Board was informed that
3 respondent had filed a consumer complaint against another
4 physician, and had listed as her place of residence a street
5 address in Alameda County.

6 16. The hearing on the Accusation, as supplemented,
7 was scheduled for October 2, 1995. By August 28, 1995, and in
8 compliance with Government Code section 11509, signed notice of
9 hearing forms had been mailed to all of respondent's previously
10 known addresses, including her address of record with the Board
11 and her last known address in Alameda County.

12 17. On October 2, 1995, the hearing on the Accusation,
13 as supplemented, was called into session. Respondent did not
14 appear.

15 18. Government Code section 11520 provides, in
16 pertinent part, as follows: "(a) If the respondent fails to
17 . . . appear at the hearing, the agency may take action based
18 upon respondent's express admissions or upon such other evidence
19 and affidavits [as] may be used as evidence without any notice to
20 respondent; . . .

21 19. Respondent has failed to appear at the hearing on
22 the Accusation, as supplemented, scheduled for October 2, 1995.

23 20. The Medical Board of California, pursuant to
24 Government Code section 11520, and based on the evidence before
25 it, finds that respondent is in default and has waived her rights
26 to a hearing to contest the allegations stated in Accusation
27 Number D-5090, as supplemented. Accordingly, the Board exercises

1 its authority to consider and decide the said allegations, and as
2 to them makes the following findings:

3 A. Complainant, Doug Laue, is the Acting
4 Executive Director of the Board, and brings Accusation Number
5 D-5090, as supplemented, solely in his official capacity.

6 B. On or about December 3, 1984, Physician and
7 Surgeon Certificate Number A-41438 was issued to respondent. At
8 all times relevant to the allegations presented in the
9 Accusation, as supplemented, said Certificate has been in full
10 force and effect.

11 C. On or about February 8, 1992, respondent,
12 while present at a psychiatric convention in Santa Ana,
13 California, repeatedly disrupted the proceedings by loudly
14 yelling at the speakers, cursing in the middle of lectures and
15 barking like a dog and seal, which caused her to be seized by the
16 local Psychiatric Assessment Team and transported to the
17 Community Psychiatric Center of Santa Ana (hereinafter "CPC") for
18 detention and observation under the provisions of Welfare and
19 Institutions Code section 5150. While at the CPC, respondent
20 refused all medications and rejected all efforts by the
21 psychiatric staff to diagnose and treat her illness.

22 D. On or about February 20 and 25, 1992,
23 respondent was heard on habeas corpus in Case Number A162926
24 before the Superior Court of Orange County (Hon. James A.
25 Jackman) regarding her detention under Welfare and Institutions
26 Code section 5150. Expert psychiatric testimony by Dr. Thomas
27 Graydon, M.D., yielded a diagnosis of "psychotic disorder" with

1 possible neurological impairment. When asked by the court to
2 explain her behavior at the psychiatric convention, respondent
3 implied that a personality other than her own, namely a Dr. Rene
4 Lyons, was the individual with mental problems. However, because
5 respondent demonstrated that she had a place to live and
6 resources to care for herself, the psychiatric expert was unable
7 to declare that she was "gravely disabled"--to support her
8 continued hospitalization under section 5150, and thus the court
9 was compelled by operation of law to grant her petition for a
10 writ of habeas corpus and release her from protective custody.

11 E. On or about March 20, 1992, a bullet was fired
12 through the front wall of a business located at 13915 Panay Way
13 in Marina Del Rey, California. The bullet was recovered from
14 inside the business building. An investigation conducted by the
15 Sheriff's Department of Los Angeles County produced the following
16 factors which indicated that this bullet had been fired from
17 respondent's bathroom window: (1) The one and a half inch hole
18 found in respondent's window, through both the glass pane and
19 screen, had small cracks around it. (2) Glass fragments were
20 found outside the window track. (3) An expended shell casing was
21 discovered in a patio located directly below respondent's
22 apartment. Respondent denied owning any guns, but state records
23 indicated that she owned three .45 caliber handguns.
24 Respondent's suggestions that the shot could have been fired by
25 her boyfriend and that her guns had been lost or stolen were
26 either disproved or unsubstantiated. Following respondent's
27 subsequent arrest on an unrelated matter, a .45 caliber handgun

1 seized from her possession was subjected to a ballistics hammer
2 comparison test by the Scientific Services section of the
3 Sheriff's Department with the result that respondent's handgun
4 was identified as the gun which fired the shell casing recovered
5 from the patio located beneath her apartment bathroom window.

6 F. On or about April 10, 1992, respondent was arrested
7 for violating Penal Code section 242 [battery] and 12021
8 [carrying a loaded weapon], while present at Culver City Nissan, a
9 car dealership. Respondent was observed throwing a coffee pot
10 and umbrella against a wall, driving her car against a showroom
11 window, crashing into a parked vehicle, and then biting, hitting
12 and scratching one of the salesmen who tried to stop her by
13 pulling the key out of the car ignition. A search of her purse
14 for identification by Culver City Police Officers resulted in the
15 seizure of a .45 caliber, semi-automatic pistol with five silver
16 tipped, hollow bullets in the magazine. Respondent claimed that
17 she had a permit from the Hayward Police Department to carry a
18 concealed weapon, but a check with that agency revealed that she
19 did not.

20 G. On or about April 30, 1992, respondent, while
21 free on bail for the car dealership incident referred to in above
22 subparagraph F, was subjected to a vehicle stop by Beverly Hills
23 Police Officers for violating the special curfew effected in
24 response to the civil riots in Los Angeles. It was determined at
25 that time that respondent had an outstanding arrest warrant for
26 her involvement in the Marina Del Rey shooting of March 20, 1992,
27 which resulted in her being taken into custody.

1 H. On or about May 7, 1992, respondent walked
2 into the Sheriff's substation in Marina Del Rey to file a
3 burglary report regarding the theft of her vehicle medical title
4 sticker. Sheriff's Deputies, recognized respondent as a
5 fugitive, and noticed that a stun gun was attached to her purse.
6 When one of the Deputies attempted to seize the purse and stun
7 gun, respondent clawed at his hands with her fingernails, and
8 kicked at his shins with her spiked heels. With the aid of
9 another Deputy, respondent was physically subdued and taken into
10 custody.

11 I. On or about May 13, 1992, a seven count
12 criminal complaint was read against respondent in Case Number
13 SA-010213 of the Municipal Court of Culver City, charging her
14 with having violated Penal Code sections 246 [shooting at an
15 occupied building, count I], 246.3 [discharging a firearm in a
16 grossly negligent manner, count II], 12025, subd. (a) [carrying a
17 concealed weapon, count III], 12031, subd. (a) [carrying a loaded
18 weapon, count IV], 242 [battery, count V], and 243 [battery on a
19 peace officer, counts VI and VII]. After pleading not guilty to
20 all counts, respondent was taken to the Sybil Brand Institute for
21 Women, accompanied by a court order that she be considered for
22 medication. On May 21, 1992, respondent was held to answer on
23 counts II, III, IV, VI and VII. [See above numbered subparagraph
24 18-E for facts underlying counts I and II; subparagraph 18-F for
25 counts III, IV and V; and subparagraph 18-H for counts VI and
26 VII.]
27 / / /

1 J. On or about May 27, 1992, in the Superior
2 Court of Los Angeles County (Hon. Robert Altman), Case Number
3 SA-010213, Dr. Kaushall K. Sharma, M.D., a psychiatrist, and Dr.
4 Michael P. Maloney, Ph.D., a psychologist, were appointed to
5 evaluate respondent on the issue of her competency to stand
6 trial. On or about June 29, 1992, the Court, based on the
7 written evaluations presented by Drs. Sharma and Maloney, found
8 that respondent was not mentally competent to stand trial within
9 the meaning of Penal Code sections 1367 and 1368 as a result of
10 "paranoid schizophrenia." [Section 1367 reads: "A person cannot
11 be tried or adjudged to punishment while such person is mentally
12 incompetent. A defendant is mentally incompetent for purposes of
13 this chapter if, as a result of mental disorder or developmental
14 disability, the defendant is unable to understand the nature of
15 the criminal proceedings or to assist counsel in the conduct of a
16 defense in a rational manner."] Pursuant to Penal Code section
17 1370, respondent was remanded to the Sheriff for delivery to
18 Patton State Hospital, a mental health facility, for a period not
19 to exceed three years and six months, or until such time that the
20 medical director of the state hospital should verify that
21 respondent had regained mental competence. On or about August 3,
22 1992, respondent was admitted to Patton State Hospital, and a
23 progress report to the Court was scheduled to be submitted by
24 November 3, 1992. On August 31, 1992, respondent's petition for
25 a writ of habeas corpus was denied.

26 K. On or about December 21, 1992, respondent,
27 following a plea of nolo contendere, was convicted of violating

1 Penal Code section 246.3 [discharging a firearm with gross
2 negligence]. All remaining counts were dismissed. Respondent
3 was sentenced as follows: Imposition of sentence suspended,
4 credit for time served in custody, and a three year probation.

5 L. On August 23, 1993, respondent was arrested
6 for violating Penal Code section 245, subd. (a) [assault with a
7 deadly weapon] after striking a 72-year-old man with a pole as he
8 was walking on the street.

9 M. On January 13, 1995, the charge involving the
10 72-year-old man was dismissed due to respondent's mental
11 incompetence.

12 N. On January 25, 1995, respondent's existing
13 probation was revoked based on the violation involving the 72-
14 year-old man, and a 2-year state prison sentence was imposed.

15 O. On February 2, 1995, respondent was received
16 at the California Department of Corrections, but on February 9,
17 1995 the California Department of Corrections released her from
18 prison and placed her on parole.

19 P. On February 28, 1995, respondent was detained
20 by campus police at the University of California at Irvine, but
21 was released.

22 Q. On April 17, 1995, respondent was detained by
23 campus police at the University of California at Irvine Medical
24 Center pursuant to Welfare and Institutions Code section 5150.

25 R. On May 13, 1995, respondent was charged with
26 battery in Case Number 95NM04646 before the Municipal Court of
27 North Orange County.

1 S. On June 8, 1995, a bench warrant was issued
2 for respondent's arrest based on her failure to appear on the
3 battery charge in Case Number 95NM04646.

4 DETERMINATION OF ISSUES

5 1. Respondent is subject to the jurisdiction of the
6 Board pursuant to sections 490, 820, 822, 826, 2004, 2220, 2227,
7 2234 and 2236 of the Business and Professions Code.

8 2. Service of Accusation Number D-5090 and related
9 documents was proper.

10 3. Respondent has subjected her certificate to
11 disciplinary action by the Board's Division of Medical Quality
12 pursuant to Business and Professions Code sections 490, 822,
13 2227, 2234 and 2236 in that she is incompetent to practice the
14 profession by reason of mental impairment.

15 4. Respondent's certificate is subject to disciplinary
16 action by default pursuant to Government Code sections 11506 and
17 11520.

18 ORDER OF THE BOARD

19 1. Physician and Surgeon Certificate Number A-41438
20 heretofore issued to respondent, Carla Helen Torres, is hereby
21 revoked.

22 2. Respondent shall not be deprived of making any
23 showing by way of mitigation; however, such showing must be made
24 to the Medical Board of California, 1426 Howe Avenue, Suite 100,
25 Sacramento, California 95825-3236 prior to the effective date of
26 this order.

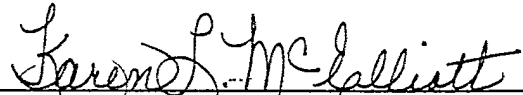
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3. This order shall be effective on the 29th
day of December, 1995.

Dated and signed this 29th day of November,
1995.

IT IS SO ORDERED.


FOR THE MEDICAL BOARD OF CALIFORNIA
DIVISION OF MEDICAL QUALITY

1 DANIEL E. LUNGREN, Attorney General
of the State of California
2 RICHARD AVILA,
Deputy Attorney General
3 California Department of Justice
300 South Spring Street, 10th Floor
4 Los Angeles, California 90013
Telephone: (213) 897-2578
5
Attorneys for Complainant
6
7

8 BEFORE THE
9 DIVISION OF MEDICAL QUALITY
MEDICAL BOARD OF CALIFORNIA
10 DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

11 In the Matter of the Accusation)	No. D-5090
Against:)	
12)	
CARLA HELEN TORRES)	ACCUSATION
13 1445 So. Reeves Street, No. 207)	
14 Los Angeles, California 90035)	
)	
Physician and Surgeon)	
15 Certificate No. A 41438,)	
)	
16 Respondent.)	
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17
18 COMES NOW DIXON ARNETT, complainant herein, and as
19 cause for disciplinary action alleges as follows:

20 PARTIES

21 1. Complainant is the Executive Director of the
22 Medical Board of California (hereinafter "Board"), Division of
23 Medical Quality (hereinafter "Division") and files this
24 accusation solely in his official capacity.

25 2. On or about December 3, 1984, physician and
26 surgeon license number A 41438 was issued by the Board to Carla
27 Helen Torres (hereinafter "respondent"), and at all times

1 relevant to the charges brought herein, said license has been in
2 full force and effect.

3 JURISDICTION

4 3. This accusation is brought under the authority of
5 the California Business and Professions Code (hereinafter
6 "Code").

7 4. Code sections 2004, 2220, 2227, 2234 and 2236
8 provide that the Division is charged with the responsibility of
9 the administration and hearing of disciplinary actions which may
10 result in the revocation or suspension of a practitioner's
11 license.

12 5. More specifically, Code section 2234 provides that
13 the Division shall take action against any licensee who is
14 charged with unprofessional conduct. Unprofessional conduct
15 includes, but is not limited to, the following:

16 "(d) Incompetence.

17 "(e) The commission of any act involving . . .
18 corruption which is substantially related to the qualifications,
19 functions, or duties of a physician and surgeon.

20 "(f) Any action or conduct which would have warranted
21 the denial of a certificate."

22 6. Code section 2236, subdivision (a), states, in
23 pertinent part, as follows: "The conviction of any offense
24 substantially related to the qualifications, functions, or duties
25 of a physician and surgeon constitutes unprofessional conduct . .
26 . . ."

27 ///

1 7. Pursuant to Code section 2018, the Division has
2 adopted "Medical Practice Regulations" [see Title 16, Ch. 13,
3 §1300, et. seq., Cal. Code of Regs.], within which section 1360
4 states, in pertinent part, as follows: "For the purposes of
5 denial, suspension or revocation of a license, certificate or
6 permit pursuant to Division 1.5 (commencing with Section 475) of
7 the [Business and Professions] Code, a crime or act shall be
8 considered to be substantially related to the qualifications,
9 functions or duties of a person holding a license, certificate or
10 permit under the Medical Practice Act if to a substantial degree
11 it evidences present or potential unfitness of a person holding a
12 license, certificate, or permit in a manner consistent with the
13 public health, safety or welfare" (Emphasis added.)

14 8. Code section 822 states, in pertinent part, as
15 follows: "If a licensing agency determines that its licentiate's
16 ability to practice his or her profession safely is impaired
17 because the licentiate is mentally ill. . . , the licensing agency
18 may take action by any one of the following methods:

19 "(a) Revoking the licentiate's certificate or license.

20 "(b) Suspending the licentiate's right to practice.

21 "(c) Placing the licentiate on probation.

22 "(d) Taking such other action in relation to the
23 licentiate as the licensing agency in its discretion deems
24 proper. . . ."

25 9. As in the case of accusations brought against a
26 licentiate by the Division [see Code, §§ 2230-2234], Code section
27 826 provides that proceedings under section 822 shall be

1 conducted in accordance with Chapter 5 (commencing with Section
2 11500) of Part 1 of Division 3 of Title 2 of the Government Code
3 (i.e., Administrative Procedure Act).

4 10. Code section 490 states, in pertinent part, as
5 follows: "A board may suspend or revoke a license on the grounds
6 that the licensee has been convicted of a crime, if the crime is
7 substantially related to the qualifications, functions, or duties
8 of the . . . profession for which the license was issued. . . .
9 A conviction within the meaning of this section means a plea or
10 verdict of guilty or a conviction following a plea of nolo
11 contendere. Any action which a board is permitted to take
12 following the establishment of a judgment of conviction may be
13 taken when . . . an order granting probation is made suspending
14 the imposition of sentence, irrespective of a subsequent order
15 under the provisions of Section 1203.4 of the Penal Code."

16 FIRST CAUSE OF ACTION

17 11. Respondent is subject to disciplinary action
18 under Code sections 822 and 2234, subdivisions (d), (e) and (f),
19 as well as Regulations section 1360, in that since August 1991,
20 she has manifested an increasingly destabilizing mental illness
21 (i.e., psychosis), through repeated acts of violence and bizarre
22 behavior, which, according to expert psychiatric opinion provided
23 at two separate judicial proceedings, continues to undermine her
24 competency to function at a minimal level of cognitive
25 understanding, and in a manner consistent with preserving her own
26 health and safety as well as the health and safety of others,
27 especially those individuals who may come to rely on her

1 possession of a medical license for care and treatment. The
2 circumstances are listed as follows:

3 A. On or about August 12, 1991, respondent was
4 arrested in Oakland, California, for violating Penal Code
5 sections 415, disturbing the peace, and 148, resisting arrest,
6 which resulted when, as a passenger on Alaska Airlines Flight
7 175, she verbally abused and threatened members of the flight
8 crew, refused two requests to leave the airplane passenger
9 compartment, and engaged in screaming and flailing her arms and
10 legs when physically escorted off the airplane by an Oakland
11 police officer.

12 B. On or about October 2, 1991, respondent reported
13 to the Los Angeles County Sheriff's Department that she had been
14 raped and rendered unconscious by a masked gunman outside of her
15 apartment, located in Marina Del Rey, California, but then
16 refused to cooperate with the law enforcement officials
17 investigating the incident.

18 C. On or about February 8, 1992, respondent, while
19 present at a psychiatric convention in Santa Ana, California,
20 repeatedly disrupted the proceedings by loudly yelling at the
21 speakers, cursing in the middle of lectures, and barking like a
22 dog and seal, which caused her to be seized by the local
23 Psychiatric Assessment Team and transported to the Community
24 Psychiatric Center of Santa Ana (hereinafter "CPC") for detention
25 and observation under the provisions of Welfare and Institutions
26 Code section 5150. While at the CPC, respondent refused all
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1 medications and rejected all efforts by the psychiatric staff to
2 diagnose and treat her illness.

3 D. On or about February 20 and 25, 1992, respondent
4 was heard on habeas corpus in Case Number A162926 before the
5 Superior Court of Orange County (Hon. James A. Jackman) regarding
6 her detention under Welfare and Institutions Code section 5150.
7 Expert psychiatric testimony by Dr. Thomas Grayden, M.D.,
8 proffered a diagnosis of respondent as someone suffering from a
9 "psychotic disorder" with a possible neurological impairment.
10 When asked by the Court to explain her behavior at the
11 psychiatric convention which led to her compelled
12 hospitalization, respondent implied that a personality other than
13 her own, namely a Dr. Rene Lyons, was the individual with mental
14 problems. However, because respondent demonstrated that she had
15 a place to live and resources to care for herself, the
16 psychiatric expert was unable to declare that she was "gravely
17 disabled" to support her continued hospitalization, and thus the
18 Court was compelled by operation of law to grant her petition for
19 a writ of habeas corpus.

20 E. On or about March 20, 1992, a bullet was fired
21 through the front wall of a business located at 13915 Panay Way
22 in Marina Del Rey, California. The bullet was recovered from
23 inside the business building. An investigation conducted by the
24 Sheriff's Department of Los Angeles County strongly indicated
25 that this bullet had been fired from respondent's bathroom
26 window. The one and a half inch hole found in respondent's
27 window, through both the glass pane and screen, had small cracks

1 around it; moreover, glass fragments were found outside the
2 window track, and an expended shell casing was discovered in a
3 patio located directly below respondent's apartment; factors
4 supporting the conclusion that the gunshot had been fired from
5 within respondent's home. Respondent denied owning any guns,
6 even though state records showed that three .45 caliber handguns
7 were registered in her name. Respondent's suggestions that the
8 gunshot could have been fired by her ex-boyfriend, or that the
9 registered guns had either been sold or stolen, were either
10 disproved or found unsupportable. Following respondent's
11 subsequent arrest on an unrelated matter, a .45 caliber handgun
12 seized from her possession was subjected to a ballistics hammer
13 comparison test by the Scientific Services Section of the
14 Sheriff's Department with the result that respondent's handgun
15 was identified as the gun which fired the shell casing recovered
16 from the patio located beneath her apartment bathroom window.

17 F. On or about April 10, 1992, respondent was
18 arrested for violating Penal Code sections 242, battery, and
19 12021, carrying a concealed, loaded weapon, while present at
20 Culver City Nissan, a car dealership, located at 8840 Washington
21 Boulevard in Culver City, California. Respondent was observed
22 throwing a coffee pot and umbrella against a wall, driving her
23 car against a showroom window, crashing into a parked vehicle,
24 and then biting, hitting and scratching one of the salesmen who
25 tried to stop her by pulling the key out of her car ignition. A
26 search of her purse for identification by the Culver City Police
27 Officers who arrived on the scene resulted in the seizure of a

1 .45 caliber, semi-automatic pistol with five silver tipped hollow
2 bullets in the magazine. Respondent claimed that she had a
3 permit from the Hayward Police Department to carry a concealed
4 weapon, but a check with that agency revealed that she did not.

5 G. On or about April 30, 1992, respondent, while free
6 on bail for the car dealership incident referred to in above
7 subparagraph F, was subjected to a vehicle stop by Beverly Hills
8 Police Officers for violating the special curfew effected in
9 response to the civil riots in Los Angeles. It was determined at
10 that time that respondent had an outstanding arrest warrant for
11 her involvement in the Marina Del Rey shooting of March 20, 1992.
12 Respondent was taken into custody.

13 H. On or about May 7, 1992, respondent walked into
14 the Sheriff's substation in Marina Del Rey to file a burglary
15 report regarding the theft of her vehicle medical title sticker.
16 Sheriff's Deputies, recognized respondent as a fugitive, and
17 noticed that a stun gun was attached to her purse. When one of
18 the Deputies attempted to seize the purse and stun gun,
19 respondent clawed at his hands with her fingernails, and kicked
20 at his shins with her spiked heels. With the aid of another
21 Deputy, respondent was physically subdued and taken into custody.

22 I. On or about May 13, 1992, a seven count
23 consolidated criminal complaint was read against respondent in
24 Case Number SA-010213 of the Municipal Court of Culver City,
25 charging her with having violated Penal Code sections 246,
26 shooting at an occupied building (count I), 246.3, discharging a
27 firearm in a grossly negligent manner (count II), 12025,

1 subdivision (a), carrying a concealed weapon (count III), 12031,
2 subdivision (a), carrying a loaded weapon (count IV), 242,
3 battery (count V), and 243, battery on a peace officer (counts VI
4 and VII). After pleading not guilty to all counts, respondent
5 was taken to the Sybil Brand Institute for Women, accompanied by
6 a court order that she be considered for medication. On May 21,
7 1992, respondent was held to answer on counts II, III, IV, VI and
8 VII of the complaint. [See above numbered paragraph 11-E for
9 facts underlying counts I and II; paragraph 11-F for counts III,
10 IV and V; and paragraph 11-H for counts VI and VII.]

11 J. On or about May 27, 1992, in the Superior Court of
12 Los Angeles (Hon. Robert Altman), Case Number SA-010213, Dr.
13 Kaushall K. Sharma, M.D., a psychiatrist, and Dr. Michael P.
14 Maloney, Ph.D., a psychologist, were appointed to evaluate
15 respondent on the issue of her capacity to stand trial. On or
16 about June 29, 1992, the Court, based on the written evaluations
17 presented by Drs. Sharma and Maloney, found that respondent was
18 not mentally competent to stand trial within the meaning of Penal
19 Code sections 1367 [i.e., "A person cannot be tried or adjudged
20 to punishment while such person is mentally incompetent. A
21 defendant is mentally incompetent for purposes of this chapter
22 if, as a result of mental disorder or developmental disability,
23 the defendant is unable to understand the nature of the criminal
24 proceedings or to assist counsel in the conduct of a defense in a
25 rational manner."] and 1368. Pursuant to Penal Code section
26 1370, respondent was remanded to the Sheriff for delivery to
27 Patton State Hospital, a mental health facility, for a period not

1 to exceed three years and six months, or until such time that
2 the medical director of the state hospital should verify that
3 respondent has regained mental competence. On or about August 3,
4 1992, respondent was admitted to Patton State Hospital, and a
5 progress report to the Court was scheduled to be submitted by
6 November 3, 1992. On August 31, 1992, respondent's petition for
7 a writ of habeas corpus was denied.

8 K. Additional circumstances are documented in a
9 declaration by Karyn Collins, an investigator for the Medical
10 Board, who interviewed various eyewitnesses and examined court
11 documents with the following results:

12 1. On or about June 9, 1992, Linda Standaart
13 stated that she managed the apartment where respondent
14 resided, and that during this period observed respondent
15 spitting in the hallways, walking around in a daze and
16 mumbling to herself.

17 2. On or about June 10, 1992, Dr. Morton Brenner,
18 M.D., a psychiatrist, stated that he observed respondent
19 during her confinement in the CPC during February 1992, and
20 formed the opinion that she posed a potential danger to
21 herself and others.

22 3. On or about June 10, 1992, Dr. Thomas Graydon,
23 M.D., a psychiatrist, stated that he examined respondent at
24 the CPC, and formed the opinion that she was psychotic,
25 paranoid and delusional, and posed a potential danger to her
26 patients. He also stated that respondent was ordered
27 released from the CPC by the Superior Court based, in part,

1 on her agreement to see a psychiatrist on an outpatient
2 basis.

3 4. On or about June 12, 1992, a confidential
4 informant stated that respondent had been her neighbor, and
5 that during that time she had observed respondent scream and
6 talk to herself in their apartment hallway, issue threats to
7 an elderly neighbor and make bizarre statements (e.g., "Have
8 your wife's tits grown any larger, because one of them is
9 mine.")

10 5. On or about June 18, 1992, Judge James A.
11 Jackman of the Superior Court in Orange County stated that
12 he had presided over the hearing regarding respondent's
13 habeas petition against CPC, a type of case which he
14 routinely handled, and concluded based on his broad
15 experience in the area of mental health related litigation
16 that respondent was psychotic when she appeared before him.

17 6. On or about August 17, 1992, Ruth Sherwood
18 stated that she was the Administrative Director of Mental
19 Health Services at the Valley Hospital Medical Center during
20 the brief period (i.e., January 1992) that respondent was
21 granted temporary privileges there, and that she observed
22 respondent acting psychotic (i.e., delusions of grandeur,
23 rambling speech, tangentiality, loose association, inability
24 to make eye contact).

25 7. On or about August 17, 1992, Janet Hoffberg
26 stated that she was the Medical Staff Coordinator at
27 Coldwater Canyon Hospital during the approximately six to

1 eight month period that respondent enjoyed privileges there
2 (i.e., June 1991 to February 1992), and that she observed
3 respondent engage in odd behavior (i.e., exaggerated secrecy
4 and defensiveness).

5 8. On or about August 21, 1992, Dr. David Foos,
6 M.D., stated that he was the Executive Medical Director at
7 the Coldwater Canyon Hospital during the approximately three
8 to six month period when respondent enjoyed temporary
9 privileges there, and that he observed respondent neglect
10 her patients by not attending to them and abandoning them
11 without making appropriate arrangements for their continued
12 care by a substitute psychiatrist, and engaging in the
13 unorthodox practice of attending her patients very late at
14 night. He also stated that he observed respondent spitting
15 during a staff meeting. He further stated that these
16 observations, plus complaints leveled against respondent by
17 other members of the medical staff, resulted in the
18 termination of respondent's temporary privileges at
19 Coldwater Canyon Hospital.

20 9. On or about September 4, 1992, an examination
21 of respondent's trial file in Case Number SA-010213, before
22 the Superior Court of Santa Monica, revealed the presence of
23 two written evaluations of respondent's mental health, one
24 by Dr. Kaushal Sharma, M.D., a psychiatrist, and the other
25 by Dr. Michael Maloney, Ph.D., a psychologist. Both
26 evaluations concluded that respondent was impaired by a
27 condition diagnosed as "paranoid schizophrenia."

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1 B. Taking such other and further action as the
2 Division deems proper.

3 DATED: January 28, 1993

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7 DIXON ARNETT
8 Executive Director
9 Division of Medical Quality
10 Medical Board of California

1 DANIEL E. LUNGREN, Attorney General
of the State of California
2 RICHARD AVILA,
Deputy Attorney General
3 California Department of Justice
300 South Spring Street, 10th Floor
4 Los Angeles, California 90013
Telephone: (213) 897-2578

5 Attorneys for Complainant
6
7

8 **BEFORE THE**
9 **DIVISION OF MEDICAL QUALITY**
10 **MEDICAL BOARD OF CALIFORNIA**
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

11 In the Matter of the Accusation)
Against:)

No. D-5090

12 CARLA HELEN TORRES)
13 1445 So. Reeves Street, No. 207)
14 Los Angeles, California 90035)

FIRST SUPPLEMENTAL
ACCUSATION

15 Physician and Surgeon)
Certificate No. A-41438,)

16 Respondent.)
17

18 Complainant, Dixon Arnett, alleges a new and separate
19 cause of discipline as follows:

20 **PARTIES**

21 1. He is the Executive Director of the Medical Board
22 of California (hereinafter "Board"), Division of Medical Quality
23 (hereinafter "Division"), and through his counsel, California
24 Attorney General Daniel E. Lungren and Deputy Attorney General
25 Richard Avila, files this First Supplemental Accusation solely in
26 his official capacity.

27 ///

1 2. On or about December 3, 1984, Physician and
2 Surgeon Certificate No. A-41438 was issued by the Board to Carla
3 Helen Torres, M.D. (hereinafter "respondent") and at all times
4 relevant to the charges brought herein said license has been in
5 full force and effect.

6 3. On December 18, 1992, the Office of Administrative
7 Hearings (per ALJ Dash), following confirmation that a Petition
8 for Interim Order to Suspend Physician and Surgeon Certificate
9 Number A-41438 had been personally served on respondent, issued
10 an Ex Parte Order of Interim Suspension in Case Number L-59025
11 prohibiting respondent from practicing medicine until an
12 evidentiary hearing could be conducted pursuant to Government
13 Code sections 11529(c) and (d).

14 4. Also on December 18, 1992, a Notice to Licensee
15 and Petition to Compel Psychiatric Examination in Case Number P-
16 148 was personally served on respondent. Respondent, through her
17 counsel, Garrett J. Zelen, presented a written response to the
18 Petition on or about December 23, 1992.

19 5. On January 7, 1993, respondent, through her
20 counsel, Nina Marino, Esq., agreed to the continuation of the
21 interim order of suspension pending her psychiatric examination
22 by an examiner selected by the Board.

23 6. On January 9, 1993, the Board issued an Order
24 Compelling Psychiatric Examination in Case Number P-148 pursuant
25 to Business and Professions Code section 820, and on January 13,
26 1993, served respondent with a copy thereof by certified mail

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1 directed at her last known address, as well as to the address of
2 her counsel, Nina Marino, Esq.

3 7. On January 28, 1993, an Accusation against
4 respondent was filed in Case Number D-5090 based on the
5 contentions underlying both the Petition for Interim Order to
6 Suspend (Case No. L-59025) and Petition to Compel Psychiatric
7 Examination (Case No. P-148), and was served on respondent by
8 certified mail directed to her counsel, Nina Marino, Esq.

9 8. On February 1, 1993, respondent, through her
10 counsel, Nina Marino, Esq., filed a Notice of Defense to the
11 Accusation.

12 9. On February 4, 1993, respondent underwent a two
13 and one half hour examination by Dr. Richard G. Ness, M.D., an
14 Assistant Clinical Professor of Psychiatry at the U.C.L.A.
15 Neuropsychiatric Institute, the examiner designated by the Board
16 to carry out its Order of January 9, 1993. The examination
17 consisted of a personal interview with respondent, administration
18 of a standardized psychological test (i.e., M.M.P.I.), and a
19 review of all documents attached to the Petition to Compel
20 Psychiatric Examination as exhibits, as well as those documents
21 provided by respondent (i.e., Treatment Records from the Los
22 Angeles County Department of Mental Health/Jail Health Services
23 authenticated by Dr. Gene Kunzman; a letter of recommendation
24 from Dr. Len Bergantino, E.D., dated 12-1-92; Patton State
25 Hospital psychiatric discharge summary by Dr. Samuel Dey, Jr.,
26 M.D. dated 11-13-92; Treatment Planning Conference summary,
27 Patton State Hospital, dated 8-11-92; Social History evaluation,

1 Patton State Hospital, dated 10-7-92; and Patton State Hospital
2 admission orders, dated 8-3-92.)

3 10. On or about February 11, 1993, Dr. Ness submitted
4 his written psychiatric evaluation of respondent to the Board.
5 [A copy thereof was transmitted to respondent's counsel on
6 February 16, 1993.]

7 11. On February 17, 1993, the Office of Administrative
8 Hearings (per ALJ Dash), following the stipulation thereto by the
9 parties litigant, ordered that the interim suspension against
10 Physician and Surgeon Certificate No. A-41438 remain in effect
11 pending a settlement conference scheduled for March 17, 1993.

12 JURISDICTION

13 12. This First Supplemental Accusation is brought
14 under the authority of the California Business and Professions
15 Code (hereinafter "Code").

16 13. Code sections 2004, 2220, 2227 and 2236 provide
17 that the Division is charged with the responsibility of the
18 administration and hearing of disciplinary actions which may
19 result in the revocation or suspension of a practitioner's
20 license.

21 14. More specifically, Code section 2234 provides that
22 the Division shall take action against any licensee who is
23 charged with unprofessional conduct which by definition includes
24 incompetence.

25 15. Code section 2018 authorizes Regulations section
26 1360 (see Title 16, Ch. 13, § 1300 et seq., Cal. Code of Regs.),
27 which subjects a practitioner's license to revocation or

1 suspension for a crime or act which evidences the practitioner's
2 present or potential unfitness to practice the profession in a
3 manner consistent with the public health, safety or welfare.

4 16. Code section 820 provides that whenever it appears
5 that any person holding a license, certificate, or permit under
6 the Board may be unable to practice her profession safely because
7 her ability to practice is impaired by a mental or physical
8 illness affecting competency, the licensing agency may order the
9 licentiate to be examined by one or more physicians and surgeons
10 or psychologists designated by the agency. The report of the
11 examiner(s) shall be made available to the licentiate and may be
12 received as direct evidence in proceedings conducted pursuant to
13 Code section 822.

14 17. Code section 822 states, in pertinent part, as
15 follows: "If a licensing agency determines that its licentiate's
16 ability to practice his or her profession safely is impaired
17 because the licentiate is mentally ill . . . , the licensing
18 agency may take action by any one of the following methods:

19 "(a) Revoking the licentiate's certificate or license.

20 "(b) Suspending the licentiate's right to practice.

21 "(c) Placing the licentiate on probation.

22 "(d) Taking such action in relation to the licentiate
23 as the licensing agency in its discretion deems proper. . . ."

24 FACTUAL INFORMATION

25 18. The written evaluation of respondent by Dr. Ness,
26 dated February 11, 1993, provides the following information:

27 ///

1 A. Diagnosis: Bipolar Disorder (Mixed, Manic-
2 Depressive Illness, DSM-III 296.6, controllable by oral lithium
3 dosage).

4 B. Prognosis: Guarded to poor.

5 C. Conclusions:

6 1. Respondent's disorder is in current remission
7 but she lacks acceptance of her illness and insight
8 into its ramifications.

9 2. Respondent's disorder, if left untreated,
10 deprives her of the competency necessary to practice
11 medicine.

12 3. Respondent, if she fails to take her
13 prescribed medication or if the medication should
14 become ineffective, poses a possible danger to herself
15 and others.

16 4. Respondent, to continue practicing medicine,
17 must participate as a patient in ongoing psychotherapy.

18 5. Respondent has a history of noncompliance
19 with prescribed psychiatric treatment, and poses a high
20 risk of absenting herself from prescribed medication
21 plans.

22 6. The nature of respondent's disorder is one of
23 unpredictability, relapse and likely regression to
24 psychotic states.

25 FIRST SUPPLEMENTAL CAUSE OF ACTION

26 19. Respondent is subject to discipline under Code
27 sections 820 and 822, in that on or about February 4, 1993, she

1 was compelled by the Board to undergo a psychiatric evaluation,
2 did undergo it, and, as summarized in above numbered paragraph
3 18, was found to be mentally ill from a bipolar disorder which
4 impairs her ability to practice medicine in a safe manner.

5 PRAYER

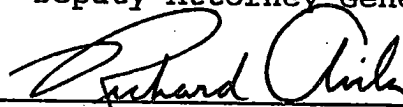
6 WHEREFORE, complainant requests that a hearing be held
7 on the matters alleged herein, as well as on the matters alleged
8 in the Accusation filed on January 28, 1993, and that following
9 said hearing, the Board issue a decision:

10 1. Revoking or suspending Physician and Surgeon
11 Certificate No. A-41438, heretofore issued to respondent Carla
12 Helen Torres; and

13 2. Taking such other and further action as the Board
14 deems proper.

15 DATED: March 12, 1993

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17
18 DANIEL E. LUNGREN, Attorney General
19 of the State of California
20 RICHARD AVILA,
21 Deputy Attorney General

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24 DIXON ARNETT
25 Executive Director
26 Division of Medical Quality
27 Medical Board of California
State of California

Complainant